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6   **UNITED STATES DISTRICT COURT**
         DISTRICT OF NEVADA

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9   PAUL S. KLEIN,   )   3:08-CV-00191-LRH-VPC
)
10   Plaintiff,   )   <u>ORDER</u>
)
11   vs.   )
)
12   HOWARD SKOLNIK, et al.,   )
)
13   Defendants.   )
)
14   _____   )

15   This is a pro se prisoner civil rights case brought pursuant to 42 U.S.C. § 1983. Following a

16   bench trial on February 14, 2012, the Court entered judgment (#355) in favor of Defendants and

17   against Plaintiff, finding that no due process violation occurred. On March 2, 2012, Plaintiff filed a

18   notice of appeal (#358) as to the Court's Order (#201) of September 24, 2009 and the entry of

19   judgment (#355). Now pending before the Court is Plaintiff's motion for a certificate of

20   appealability (#359).

21   Plaintiff does not need a certificate of appealability. The requirement for a certificate of

22   appealability applies to claims for habeas corpus relief, rather than to civil rights claims arising under

23   42 U.S.C. § 1983. <u>See</u> <u>Dalluge v. U.S. Dep't of Justice</u>, No. C11-5037RBL, 2011 WL 1675407, at

24   *1 (W.D. Wash. May 4, 2011) ("As this case was brought pursuant to 42 U.S.C. § 1983, there is no

25   requirement for a certificate of appealability."); <u>Jenkins v. Caplan</u>, No. C 02-5603 RMW (PR), 2010

26   WL 3057410, at *1 (N.D. Cal. Aug. 2, 2010) ("[A] Certificate of Appealability is inapplicable to a §

27   1983 action."); <u>Moore v. Hindmarch</u>, No. CV 09-1461-PHX-GMS (JRI), 2010 WL 3283567, at *1

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1   (D.Ariz. Aug. 18, 2010) ("[A} certificate of appealability is not required to appeal the dismissal and

2   entry of judgment in a *pro se* civil rights action brought pursuant to 42 U.S.C. § 1983.").

3   **IT IS, THEREFORE, HEREBY ORDERED** that Plaintiff's motion for a certificate of

4   appealability (#359) is **DENIED** as moot.

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6   DATED this 16th day of May, 2012.

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8   _____
                                                         LARRY R. HICKS
                                                         UNITED STATES DISTRICT JUDGE
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